

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
Jose Guillermo Leiva-Galvan

Case No. **5:20-MJ-1111-JG**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 23, 2019 in the county of New Hanover in the
Eastern District of North Carolina, the defendant(s) violated:

Code Section

8 U.S.C. § 1326(a)&(b)(2)

Offense Description

The defendant, an alien, was found in the United States after having previously been denied admission, excluded, deported and removed from the United States after an aggravated felony conviction on June 4, 2018, at Columbus, Georgia, and not having obtained the express consent of the Attorney General, or his successor, the Secretary of Homeland Security, to reapply for admission thereto, in violation of 8 U.S.C. § 1326(a)&(b)(2).

This criminal complaint is based on these facts:

please see attached affidavit

☒ Continued on the attached sheet.

On this day, Robert Ulrey
appeared before me via reliable electronic means, was
placed under oath, and attested to the contents
of this Complaint.

Date: 29 Jan. 2020City and state: Raleigh, North Carolina


Complainant's signature

Robert Ulrey, Deportation Officer, ICE

Printed name and title



Judge's signature

JAMES E. GATES, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, Robert Ulrey, having been duly sworn, do hereby depose and state: I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), formerly known as the Immigration and Naturalization Service (INS), assigned to the Raleigh, North Carolina office. I began my federal law enforcement career with ICE on April 1st, 2007. My duties routinely include the investigation of violations of the federal criminal statutes concerning immigration offenses, including the reentry of previously removed aliens into the United States.

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for Jose Guillermo Leiva-Galvan, (here after referred to as "LEIVA") for reentry of a previously deported alien convicted of an aggravated felony in violation of Title 8 U.S.C. § 1326(a) & (b)(2). This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause.

3. In the course of investigating this matter, I have obtained information through law enforcement channels and the official Alien File (A-File) numbered A209 011 759. This file is maintained in the name of Jose Guillermo Leiva-Galvan and contains this individual's biographical information, family history, records of encounters with ICE, conviction records, photographs and fingerprints. Based on the review of this A-File, I have concluded that it does in fact pertain to the defendant in

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this matter. The A-File reflects the following information relative to this individual:

- a) LEIVA is a citizen and national of Honduras.
- b) His date of birth is XXXXX XX, 1985, and his name is correctly reflected in this affidavit and the complaint to which it is attached.
- c) On February 27, 2016 LEIVA was encountered by ICE in the New Hanover County jail subsequent a local arrest. He was determined to be unlawfully present in the United States.
- d) On February 16, 2017 LEIVA was convicted in New Hanover County Superior Court of thirteen felony counts of breaking and entering and twelve counts of felony larceny.
- e) On April 27, 2018, LEIVA was served with a Notice of Intent to Issue a Final Administrative Order and on May 4, 2018 a Final Administrative Order was issued by a designated official in Lumpkin, Georgia.
- f) On June 04, 2018, LEIVA was warned of the penalties of reentry and removed to Honduras from Columbus, Georgia.
- g) LEIVA, of his own volition, reentered the United States on or after June 04, 2018 and did so without obtaining the express consent of the Attorney General, or his successor the Secretary of Homeland Security, to reapply for admission.

4. A search of ICE databases reveals that LEIVA did not seek permission of the United States Attorney General to re-enter as required by 8 U.S.C. § 1360(d).


5. On December 21, 2019, LEIVA was arrested by the New Hanover County Sheriff's Office, in Clinton, NC, and charged with driving while impaired. A complete
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set of fingerprints taken subsequent to that arrest were submitted to FBI and ICE databases resulting in a positive biometric match for a previously removed alien. LEIVA was able to post bond on the local charges before ICE could lodge an immigration detainer,

6. LEIVA was arrested by ICE on January 21, 2020. LEIVA is currently in the custody of ICE.

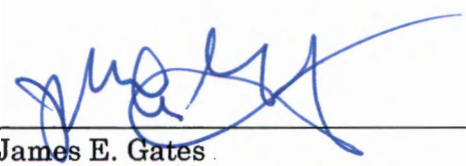
7. Based on all of the foregoing, I, Robert Ulrey, believe that there is ample probable cause to conclude that Jose Guillermo Leiva-Galvan is in fact guilty of illegal reentry into the United States of a convicted aggravated felon, previously removed, in violation of Title 8 U.S.C. § 1326(a) & (b)(2), and respectfully ask that the Court issue a warrant ordering his arrest for such crime.

Further your Affiant sayeth not.



Robert Ulrey
Deportation Officer
Immigration & Customs Enforcement

On this 29 day of January 2020 Deportation Officer Robert Ulrey appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this affidavit.



James E. Gates
United States Magistrate Judge
Eastern District of North Carolina
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